

LANDRIEU, and Mrs. MCCASKILL) and intended to be proposed to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2194. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2195. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2196. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2197. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2198. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2199. Mr. REED (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2200. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2201. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2202. Mr. SESSIONS (for himself, Mr. CHAMBLISS, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2203. Mr. GREGG (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2204. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2205. Mrs. MCCASKILL (for herself, Mr. BIDEN, Mr. KENNEDY, Mr. BOND, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2206. Mr. WEBB (for himself, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mr. BROWN, Mr. CASEY, Mr. TESTER, Mr. CARDIN, Mr. WHITEHOUSE, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2207. Mr. FEINGOLD (for himself, Mr. CASEY, Mr. KENNEDY, Ms. MIKULSKI, and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2208. Mr. WARNER (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2209. Mr. CONRAD (for himself, Mr. HATCH, Mr. DORGAN, Mr. GREGG, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 2189.** Mr. COLEMAN (for himself, Mr. INHOFE, Mr. DEMINT, Mr. THUNE, Mr. MCCONNELL, Mr. CORNYN, Mr. ISAKSON, Mr. ALLARD, Mr. CRAIG, Mr. LUGAR, Mr. ROBERTS, Mr. GRAHAM, Mrs. HUTCHISON, Mr. COCHRAN, Mr. HAGEL, Mr. GREGG, Mr. ENSIGN, Mr. MCCAIN, Mr. BENNETT, Mrs. DOLE, Mr.

BROWNBACK, Mr. ALEXANDER, Mr. ENZI, Mr. CRAPO, Mr. BUNNING, and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### **SEC. . . FAIRNESS DOCTRINE PROHIBITED.**

(a) **SHORT TITLE.**—This section may be cited as the “Broadcaster Freedom Act of 2007”.

(b) **FAIRNESS DOCTRINE PROHIBITED.**—Title III of the Communications Act of 1934 is amended by inserting after section 303 (47 U.S.C. 303) the following new section:

#### **“SEC. 303A. LIMITATION ON GENERAL POWERS: FAIRNESS DOCTRINE.**

“Notwithstanding section 303 or any other provision of this Act or any other Act authorizing the Commission to prescribe rules, regulations, policies, doctrines, standards, or other requirements, the Commission shall not have the authority to prescribe any rule, regulation, policy, doctrine, standard, or other requirement that has the purpose or effect of reinstating or repromulgating (in whole or in part) the requirement that broadcasters, including the American Forces Network, present opposing viewpoints on controversial issues of public importance, commonly referred to as the ‘Fairness Doctrine’, as repealed in General Fairness Doctrine Obligations of Broadcast Licensees, 50 Fed. Reg. 35418 (1985).”

**SA 2190.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 269, line 20, insert after “management.” the following: “The position of Principal Deputy shall be designated as a critical acquisition position under section 1733 of this title.”

On page 270, line 10, insert after “management.” the following: “The position of Principal Deputy shall be designated as a critical acquisition position under section 1733 of this title.”

On page 270, line 23, insert after “management.” the following: “The position of Principal Deputy shall be designated as a critical acquisition position under section 1733 of this title.”

**SA 2191.** Mr. LAUTENBERG (for himself, Mr. HAGEL, Mr. KERRY, Mrs. LINCOLN, Mr. JOHNSON, Ms. MIKULSKI, Mr. BINGAMAN, Ms. SNOWE, Ms. CANTWELL, Mr. TESTER, and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for

such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

#### **SEC. 703. LIMITATIONS ON CERTAIN INCREASES IN HEALTH CARE COSTS FOR MEMBERS OF THE UNIFORMED SERVICES.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) Career members of the uniformed services and their families endure unique and extraordinary demands, and make extraordinary sacrifices, over the course of 20-year to 30-year careers in protecting freedom for all Americans.

(2) The nature and extent of these demands and sacrifices are never so evident as in wartime, not only during the current Global War on Terrorism, but also during the wars of the last 60 years when current retired members of the Armed Forces were on continuous call to go in harm's way when and as needed.

(3) The demands and sacrifices are such that few Americans are willing to bear or accept them for a multi-decade career.

(4) A primary benefit of enduring the extraordinary sacrifices inherent in a military career is a range of extraordinary retirement benefits that a grateful Nation provides for those who choose to subordinate much of their personal life to the national interest for so many years.

(5) Many private sector firms are curtailing health benefits and shifting significantly higher costs to their employees, and one effect of such curtailment is that retired members of the uniformed services are turning for health care services to the Department of Defense, and its TRICARE program, for the health care benefits in retirement that they earned by their service in uniform.

(6) In some cases, civilian employers establish financial incentives for employees who are also eligible for participation in the TRICARE program to receive health care benefits under that program rather than under the health care benefits programs of such employers.

(7) While the Department of Defense has made some efforts to contain increases in the cost of the TRICARE program, a large part of those efforts has been devoted to shifting a larger share of the costs of benefits under that program to retired members of the uniformed services.

(8) The cumulative increase in enrollment fees, deductibles, and copayments being proposed by the Department of Defense for health care benefits under the TRICARE program far exceeds the 33-percent increase in military retired pay since such fees, deductibles, and copayments were first required on the part of retired members of the uniformed services 11 years ago.

(9) Proposals of the Department of Defense for increases in the enrollment fees, deductibles, and copayments of retired members of the uniformed services who are participants in the TRICARE program fail to recognize adequately that such members paid the equivalent of enormous in-kind premiums for health care in retirement through their extended sacrifices by service in uniform.

(10) Some of the Nation's health care providers refuse to accept participants in the TRICARE program as patients because that program pays them significantly less than commercial insurance programs, and imposes unique administrative requirements, for health care services.

(11) The Department of Defense has chosen to count the accrual deposit to the Department of Defense Military Retiree Health

Care Fund against the budget of the Department of Defense, contrary to the requirements of section 1116 of title 10, United States Code.

(12) Senior officials of the Department of Defense leaders have reported to Congress that counting such deposits against the budget of the Department of Defense is impinging on other readiness needs of the Armed Forces, including weapons programs, an inappropriate situation which section 1116 of title 10, United States Code, was intended expressly to prevent.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Department of Defense and the Nation have a committed obligation to provide health care benefits to retired members of the uniformed services that exceeds the obligation of corporate employers to provide health care benefits to their employees;

(2) the Department of Defense has many additional options to constrain the growth of health care spending in ways that do not disadvantage retired members of the uniformed services who participate or seek to participate in the TRICARE program, and should pursue any and all such options rather than seeking large increases for enrollment fees, deductibles, and copayments for such retirees, and their families or survivors, who do participate in that program;

(3) any percentage increase in fees, deductibles, and copayments that may be considered under the TRICARE program for retired members of the uniformed services and their families or survivors should not in any case exceed the percentage increase in military retired pay; and

(4) any percentage increase in fees, deductibles, and copayments under the TRICARE program that may be considered for members of the uniformed services who are currently serving on active duty or in the Selected Reserve, and for the families of such members, should not exceed the percentage increase in basic pay for such members.

(c) PHARMACY BENEFITS PROGRAM.—Section 1074g(a)(6) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(C) The amount of any cost sharing requirements under this paragraph may not be increased in any year by a percentage that exceeds the percentage increase of the most recent increase in retired pay for members of the armed forces under section 1401a(b)(2) of this title. To the extent that such increase for any year is less than one dollar, the accumulated increase may be carried over from year to year, rounded to the nearest dollar.”.

(d) PREMIUMS FOR TRICARE STANDARD FOR RESERVE COMPONENT MEMBERS WHO COMMIT TO SERVICE IN THE SELECTED RESERVE.—Section 1076d(d)(3) of such title is amended—

(1) by striking “The monthly amount” and inserting “(A) Subject to subparagraph (B), the monthly amount”; and

(2) by adding at the end the following new subparagraph:

“(B) Effective as of October 1, 2007, the percentage increase in the amount of the premium in effect for a month for TRICARE Standard coverage under this section may not exceed a percentage equal to the percentage of the most recent increase in the rate of basic pay authorized for members of the uniformed services for a year.”.

(e) COPAYMENTS UNDER CHAMPUS.—Paragraph (3) of section 1086(b) of such title is amended in the first sentence by striking “during the period beginning on April 1, 2006, and ending on September 30, 2007.” and inserting “after March 31, 2006”.

(f) PROHIBITION ON ENROLLMENT FEES FOR CERTAIN PERSONS UNDER CHAMPUS.—Section 1086(b) of such title is further amended

by adding at the end the following new paragraph:

“(5) A person covered by subsection (c) may not be charged an enrollment fee for coverage under this section.”.

(g) AUTOMATIC ENROLLMENT FOR CERTAIN PERSONS UNDER CHAMPUS.—Section 1086(b) of such title is further amended by adding at the end the following new paragraph:

“(6) A person covered by subsection (c) shall not be subject to denial of claims for coverage under this section for failure to enroll for such coverage. To the extent enrollment may be required, enrollment shall be automatic for any such person filing a claim under this section.”.

(h) PREMIUMS AND OTHER CHARGES UNDER TRICARE.—Section 1097(e) of such title is amended—

(1) by inserting “(1)” before “The Secretary of Defense”; and

(2) by adding at the end the following new paragraph:

“(2) Effective as of October 1, 2007, the percentage increase in the amount of any premium, deductible, copayment or other charge prescribed by the Secretary under this subsection may not exceed the percentage increase of the most recent increase in retired pay for members and former members of the armed forces under section 1041a(b)(2) of this title.”.

**SA 2192.** Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII, add the following:

**SEC. 1204. ASSISTANCE FOR GLOBAL PEACE OPERATIONS INITIATIVE PARTNER COUNTRIES DEPLOYING FOR PEACE OPERATIONS.**

(a) IN GENERAL.—During fiscal years 2008 and 2009, the Secretary of Defense may, with the concurrence of the Secretary of State, provide assistance to foreign countries that have committed to deploying units trained by the United States or its partners under the Global Peace Operations Initiative (GPOI) to peace operations.

(b) SELECTION OF COUNTRIES.—The Secretary of Defense and the Secretary of State shall jointly select the countries described in subsection (a) for which assistance may be provided under that subsection.

(c) TYPES OF ASSISTANCE.—The assistance provided under subsection (a) may include only the following:

(1) Inspection of—

(A) units described in subsection (a) in order to determine their readiness and ability to carry out peace operations; and

(B) the equipment depots to be used by such units in deployments for peace operations.

(2) Identification of the training and equipping shortfalls, if any, of the units described in subsection (a).

(3) Provision of additional training to the units described in subsection (a), if required, in order to ensure that such units can carry out peace operations.

(4) Provision of equipment for units described in subsection (a), if required, pending deployment for a peace operation.

(5) Assistance in addressing deficiencies in personnel with specialized skills of units described in subsection (a) or in headquarters staffs of such units.

(6) Facilitation of the deployment of units described in subsection (a), if required, for missions under a peace operation.

(d) FORMULATION OF ASSISTANCE.—The Secretary of Defense and the Secretary of State shall jointly formulate the provision of assistance under subsection (a).

(e) NOTICE ON USE OF AUTHORITY.—

(1) REQUIREMENT FOR NOTICE.—Whenever the Secretary of Defense exercises the authority under subsection (a) by taking the action described in subsection (b), the Secretary shall notify the committees of Congress specified in paragraph (3) of the exercise of the authority. Any such notification shall be prepared in coordination with the Secretary of State.

(2) ELEMENTS OF NOTICE.—Any notification under paragraph (1) on the exercise of authority shall include—

(A) a description of the country and unit or units to be provided assistance;

(B) a description of the type of assistance to be provided; and

(C) a statement of the amount of funding to be provided for each country and for each type of assistance.

(3) COMMITTEES OF CONGRESS.—The committees of Congress specified in this subsection are the following:

(A) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

(B) The Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(f) RESPECT FOR HUMAN RIGHTS.—Assistance may not be provided under subsection (a) to a unit of forces unless the Secretary of Defense and the Secretary of State jointly determine that the unit and its personnel maintain a record on human rights that meets requirements of the following:

(1) Section 8060 of the Department of Defense Appropriations Act, 2007 (Public Law 109-289; 120 Stat. 1287).

(2) Section 551 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109-102; 119 Stat. 2218).

(g) APPLICABLE LAW.—Any services, defense articles, or funds provided under this section shall be subject to the authorities and limitations in the Foreign Assistance Act of 1961, the Arms Export Control Act, and any Acts making appropriations to carry out such Acts.

(h) FUNDING.—Of the amount authorized to be appropriated by section 301 for operation and maintenance for the Department of Defense, \$200,000,000 may be available in fiscal years 2008 and 2009 for the provision of assistance under subsection (a).

**SA 2193.** Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 2063 submitted by Mr. SALAZAR (for himself, Mr. ALEXANDER, Mr. PRYOR, Mr. BENNETT, Mr. CASEY, Mr. GREGG, Mrs. LINCOLN, Mr. SUNUNU, Mr. DOMENICI, Ms. COLLINS, Mr. NELSON of Florida, Ms. LANDRIEU, and Mrs. MCCASKILL) and intended to be proposed to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, strike line 4 and all that follows through the end and insert the following:

(9) The President announced a new strategy for United States involvement in Iraq to the American people on January 10, 2007, which included sending approximately 30,000 additional troops to Iraq as well as increasing United States diplomatic efforts with respect to Iraq.

(10) Pursuant to the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110-28), the President submitted to Congress a report on the progress of this new strategy on July 12, 2007.

(11) According to that report, the United States has filled one-half of the 300 additional personnel slots for the Provincial Reconstruction Teams which are part of the President's new strategy, and the full complement of those personnel will be in place in December 2007.

(12) The last of the 30,000 additional troops that the President announced in January 2007 that he would send to Iraq as a part of his new strategy became fully operational in Iraq on June 15, 2007.

#### **SEC. 1543. SENSE OF CONGRESS ON DIPLOMATIC EFFORTS IN IRAQ.**

It is the sense of Congress that, consistent with the recommendations of the Iraq Study Group, the United States Government should—

(1) establish a "New Diplomatic Offensive" to deal with the problems of Iraq and of the region;

(2) support the unity and territorial integrity of Iraq;

(3) encourage other countries in the region to stop the destabilizing interventions and actions of Iraq's neighbors;

(4) secure the borders of Iraq, including through the use of joint patrols with neighboring countries;

(5) prevent the expansion of the instability and conflict beyond the borders of Iraq;

(6) promote economic assistance, commerce, trade, political support, and, if possible, military assistance for the Government of Iraq from non-neighboring Muslim nations;

(7) energize the governments of other countries to support national political reconciliation in Iraq;

(8) encourage the governments of other countries to validate the legitimate sovereignty of Iraq by resuming diplomatic relations, where appropriate, and reestablishing embassies in Baghdad;

(9) assist the Government of Iraq in establishing active working embassies in key capitals in the region;

(10) help the Government of Iraq reach a mutually acceptable agreement on the future of Kirkuk;

(11) assist the Government of Iraq in achieving certain security, political, and economic milestones, including better performance on issues such as national reconciliation, equitable distribution of oil revenues, and the dismantling of militias;

(12) encourage the holding of a meeting or conference in Baghdad, supported by the United States and the Government of Iraq, of the Organization of the Islamic Conference or the Arab League, both to assist the Government of Iraq in promoting national reconciliation in Iraq and to reestablish their diplomatic presence in Iraq;

(13) seek the creation of the Iraq International Support Group to assist Iraq in ways the Government of Iraq would desire, attempting to strengthen Iraq's sovereignty;

(14) engage with the Governments of Iran and Syria in order to obtain their commitment to constructive policies toward Iraq and other regional issues;

(15) provide additional political, economic, and military support for Afghanistan including resources that might become available as

United States combat forces are redeployed from Iraq;

(16) remain in contact with the Iraqi leadership, conveying the clear message that there must be action by the Government of Iraq to make substantial progress toward the achievement of the milestones described in section 1550, and conveying in as much detail as possible the substance of these exchanges in order to keep the American people, the Iraqi people, and the people of countries in the region well informed of progress in these areas;

(17) make clear the willingness of the United States Government to continue training, assistance, and support for Iraq's security forces, and to continue political, military, and economic support for the Government of Iraq until Iraq becomes more capable of governing, defending, and sustaining itself;

(18) make clear that, should the Government of Iraq not make substantial progress toward the achievement of the milestones described in section 1550, the United States shall reduce its political, military, or economic support for the Government of Iraq;

(19) make clear that the United States Government does not seek to establish permanent military bases in Iraq;

(20) restate that the United States Government does not seek to control the oil resources of Iraq;

(21) make active efforts to engage all parties in Iraq, with the exception of al Qaeda;

(22) encourage dialogue between sectarian communities and press religious leaders inside and outside of Iraq to speak out on behalf of peace and reconciliation;

(23) support the presence of neutral international experts as advisors to the Government of Iraq on the processes of disarmament, demobilization, and reintegration of militias and other armed groups not under the control of the Government of Iraq; and

(24) ensure that reconstruction efforts in Iraq consist of great involvement by and with international partners that actively participate in the design and construction of projects.

#### **SEC. 1544. STATEMENT OF POLICY ON SECURITY AND MILITARY FORCES.**

It shall be the policy of the United States to formulate and implement with the Government of Iraq a plan, consistent with the recommendations of the Iraq Study Group, that—

(1) gives the highest priority to the training, equipping, advising, and support for security and military forces in Iraq and to supporting counterterrorism operations in Iraq; and

(2) supports the providing of more and better equipment for the Iraqi Army by encouraging the Government of Iraq to accelerate its requests under the Foreign Military Sales program and, as United States combat brigades redeploy from Iraq, provides for the transfer of certain United States military equipment to Iraqi forces.

#### **SEC. 1545. STATEMENT OF POLICY ON STRENGTHENING THE UNITED STATES MILITARY.**

It shall be the policy of the United States to formulate and implement a plan, consistent with the recommendations of the Iraq Study Group, that—

(1) directs the Secretary of Defense to build healthy relations between the civilian and military sectors, by creating an environment where senior military leaders feel free to offer independent advice to the civilian leadership of the United States Government;

(2) emphasizes training and education programs for the forces that have returned to the United States in order to restore the United States Armed Forces to a high level of readiness for global contingencies;

(3) provides sufficient funds to restore military equipment to full functionality over the next 5 years; and

(4) assesses the full future budgetary impact of the war in Iraq and its potential impact on—

(A) the future readiness of United States military forces;

(B) the ability of the United States Armed Forces to recruit and retain high-quality personnel;

(C) needed investments in military procurement and in research and development; and

(D) the budgets of other Federal agencies involved in the stability and reconstruction effort in Iraq.

#### **SEC. 1546. STATEMENT OF POLICY ON POLICE AND CRIMINAL JUSTICE IN IRAQ.**

It shall be the policy of the United States to formulate and implement with the Government of Iraq a plan, consistent with the recommendations of the Iraq Study Group, that—

(1) transfers the Iraqi National Police to the Ministry of Defense, where the police commando units will become part of the new Iraqi Army;

(2) transfers the Iraqi Border Police to the Ministry of Defense, which would have total responsibility for border control and external security;

(3) establishes greater responsibility for the Iraqi Police Service to conduct criminal investigations and expands its cooperation with other elements in the judicial system in Iraq in order to better control crime and protect Iraqi civilians;

(4) establishes a process of organizational transformation, including efforts to expand the capability and reach of the current major crime unit, to exert more authority over local police forces, and to give sole authority to the Ministry of the Interior to pay police salaries and disburse financial support to local police;

(5) proceeds with efforts to identify, register, and control the Facilities Protection Service;

(6) directs the Department of Defense to continue its mission to train Iraqi National Police and the Iraqi Border Police, which shall be placed within the Iraqi Ministry of Defense;

(7) directs the Department of Justice to proceed with the mission of training the police forces remaining under the Ministry of the Interior;

(8) provides for funds from the Government of Iraq to expand and upgrade communications equipment and motor vehicles for the Iraqi Police Service;

(9) directs the Attorney General to lead the work of organizational transformation in the Ministry of the Interior and creates a strategic plan and standard administrative procedures, codes of conduct, and operational measures for Iraqis; and

(10) directs the Attorney General to establish courts, train judges, prosecutors, and investigators, and create strongly supported and funded institutions and practices in Iraq to fight corruption.

#### **SEC. 1547. STATEMENT OF POLICY ON OIL SECTOR IN IRAQ.**

It shall be the policy of the United States to formulate and implement with the Government of Iraq a plan, consistent with the recommendations of the Iraq Study Group, that—

(1) provides technical assistance in drafting legislation to implement the February 27, 2007, agreement by Iraq's Council of Ministers on principles for the equitable sharing of oil resources and revenues;

(2) encourages the Government of Iraq to accelerate contracting for the comprehensive oil well work-overs in the southern

fields needed to increase oil production, while ensuring that the United States no longer funds such infrastructure projects;

(3) supports the Iraqi military and private security forces in their efforts to protect oil infrastructure and contractors;

(4) implements metering at both ends of the oil supply line to immediately improve accountability in the oil sector;

(5) in conjunction with the International Monetary Fund, encourages the Government of Iraq to reduce subsidies in the energy sector;

(6) encourages investment in Iraq's oil sector by the international community and by international energy companies;

(7) assists Iraqi leaders to reorganize the national oil industry as a commercial enterprise, in order to enhance efficiency, transparency, and accountability;

(8) encourages the Government of Iraq to post all oil contracts, volumes, and prices on the Internet so that Iraqis and outside observers can track exports and export revenues;

(9) supports the efforts of the World Bank to ensure that best practices are used in contracting; and

(10) provides technical assistance to the Ministry of Oil for enhancing maintenance, improving the payments process, managing cash flows, improving contracting and auditing, and updating professional training programs for management and technical personnel.

#### **SEC. 1548. STATEMENT OF POLICY ON IMPROVING ASSISTANCE PROGRAMS IN IRAQ.**

It shall be the policy of the United States to formulate and implement a plan, consistent with the recommendations of the Iraq Study Group, that—

(1) provides for the United States to take the lead in funding assistance requests from the United Nations High Commissioner for Refugees and other humanitarian agencies;

(2) creates a new Senior Advisor for Economic Reconstruction in Iraq reporting to the President, with the authority to bring interagency unity of effort to the policy, budget, and implementation of economic reconstruction programs in Iraq and the authority to serve as the principal point of contact with United States partners in the overall reconstruction effort;

(3) gives the chief of mission in Iraq the authority to spend significant funds through a program structured along the lines of the Commander's Emergency Response Program, with the authority to rescind funding from programs and projects—

(A) in which the Government of Iraq is not demonstrating effective partnership; or

(B) that do not demonstrate substantial progress toward achievement of the milestones described in section 1550;

(4) authorizes and implements a more flexible security assistance program for Iraq, breaking down the barriers to effective interagency cooperation; and

(5) grants authority to merge United States assistance with assistance from international donors and Iraqi participants for the purpose of carrying out joint assistance projects.

#### **SEC. 1549. STATEMENT OF POLICY ON BUDGET PREPARATION, PRESENTATION, AND REVIEW.**

It shall be the policy of the United States to formulate and implement a plan, consistent with the recommendations of the Iraq Study Group, that—

(1) directs the President to include the costs for the war in Iraq in the annual budget request;

(2) directs the Secretary of State, the Secretary of Defense, and the Director of National Intelligence to provide United States

military and civilian personnel in Iraq the highest possible priority in obtaining professional language proficiency and cultural training;

(3) directs the United States Government to provide for long-term training for Federal agencies that participate in complex stability operations like those in Iraq and Afghanistan;

(4) creates training for United States Government personnel to carry out civilian tasks associated with complex stability operations; and

(5) directs the Director of National Intelligence and the Secretary of Defense to devote greater analytic resources to understanding the threats and sources of violence in Iraq and institute immediate changes in the collection of data and violence and the sources of violence to provide a more accurate picture of events on the ground in Iraq.

#### **SEC. 1550. CONDITIONS FOR CONTINUED UNITED STATES SUPPORT IN IRAQ.**

(a) IN GENERAL.—It shall be the policy of the United States to condition continued United States political, military and economic support for Iraq upon the demonstration by the Government of Iraq of sufficient political will and the making of substantial progress toward achieving the milestones described in subsection (b), and to base the decision to transfer command and control over Iraqi security forces units from the United States to Iraq in part upon such factors.

(b) MILESTONES.—The milestones referred to in subsection (a) are the following:

(1) Promptly establishing a fair process for considering amendments to the constitution of Iraq that promote lasting national reconciliation in Iraq.

(2) Enacting legislation or establishing other mechanisms to revise the de-Baathification laws in Iraq to encourage the employment in the Government of Iraq of qualified professionals, irrespective of ethnic or political affiliation, including ex-Baathists who were not leading figures of the Saddam Hussein regime.

(3) Enacting legislation or establishing other binding mechanisms to ensure the sharing of all Iraqi oil revenues among all segments of Iraqi society in an equitable manner.

(4) Holding free and fair provincial elections in Iraq at the earliest date practicable.

(5) Enacting legislation or establishing other mechanisms to ensure the rights of women and the rights of all minority communities in Iraq are protected.

#### **SEC. 1551. SENSE OF CONGRESS ON REDEPLOYMENT OF UNITED STATES FORCES FROM IRAQ.**

It is the sense of Congress that—

(1) with the implementation of the policies specified in sections 1544 through 1550 and the engagement in the increased diplomatic efforts specified in section 1543, and as additional Iraqi brigades are being deployed, and subject to unexpected developments in the security situation on the ground, all United States combat brigades not necessary for force protection could be redeployed from Iraq by the first quarter of 2008, except for those that are essential for—

(A) protecting United States and coalition personnel and infrastructure;

(B) training, equipping, and advising Iraqi forces;

(C) conducting targeted counterterrorism operations;

(D) search and rescue; and

(E) rapid reaction and special operations;

(2) except in the event of unforeseen circumstances or developments, the President's new strategy for Iraq, announced in January 2007, should not be significantly altered until General Petraeus and Ambassador Crocker

report to Congress on the progress of that strategy in September 2007; and

(3) the redeployment should be implemented as part of a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq.

#### **SEC. 1552. REPORT ON POLICY IMPLEMENTATION.**

Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the President shall submit to Congress a report on the actions that have been taken to implement the policies specified in sections 1543 through 1550.

**SA 2194.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### **SEC. \_\_\_\_ . PROHIBITION ON USE OF EARMARKS TO AWARD NO BID CONTRACTS AND NONCOMPETITIVE GRANTS.**

(a) PROHIBITION.—

(1) CONTRACTS.—

(A) IN GENERAL.—Notwithstanding any other provision of this Act, all contracts awarded through congressional initiatives shall be awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(B) BID REQUIREMENT.—Except as provided in paragraph (3), no contract may be awarded through a congressional initiative unless more than one bid is received for such contract.

(2) GRANTS.—Notwithstanding any other provision of this Act, no funds may be awarded by grant or cooperative agreement through a congressional initiative unless the process used to award such grant or cooperative agreement uses competitive procedures to select the grantee or award recipient. Except as provided in paragraph (3), no such grant may be awarded unless applications for such grant or cooperative agreement are received from two or more applicants that are not from the same organization and do not share any financial, fiduciary, or other organizational relationship.

(3) WAIVER AUTHORITY.—

(A) IN GENERAL.—If an agency head does not receive more than one bid for a contract under paragraph (1)(B) or does not receive more than one application from unaffiliated applicants for a grant or cooperative agreement under paragraph (2), the agency head may waive such bid or application requirement if the agency head determines that the contract, grant, or cooperative agreement is essential to the mission of the agency.

(B) CONGRESSIONAL NOTIFICATION.—If an agency head waives a bid requirement under subparagraph (A), the agency head must, not later than 10 days after exercising such waiver, notify Congress, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Oversight and Government Reform of the House of Representatives of the waiver.

(b) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than December 31, 2008, and December 31 of each year thereafter, the head of each executive agency shall submit to Congress a report on congressional initiatives for which amounts were appropriated or otherwise made available for the fiscal year ending during such year.

(2) CONTENT.—Each report submitted under paragraph (1) shall include with respect to each contract and grant awarded through a congressional initiative—

(A) the name of the recipient of the funds awarded through such contract or grant;

(B) the reason or reasons such recipient was selected for such contract or grant; and

(C) the number of entities that competed for such contract or grant.

(3) PUBLICATION.—Each report submitted under paragraph (1) shall be made publicly available through the Internet website of the executive agency.

(c) DEFINITIONS.—In this section:

(1) CONGRESSIONAL INITIATIVE.—The term “congressional initiative” means a provision of law or a directive contained within a committee report or joint statement of managers of an appropriations Act that specifies—

(A) the identity of a person or entity selected to carry out a project, including a defense system, for which funds are appropriated or otherwise made available by that provision of law or directive and that was not requested by the President in a budget submitted to Congress; and

(B) the amount of the funds appropriated or otherwise made available for such project.

(2) EXECUTIVE AGENCY.—The term “executive agency” has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(d) APPLICABILITY.—This section shall apply with respect to funds appropriated or otherwise made available for fiscal years beginning after September 30, 2007.

**SA 2195.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ JOINT SPACE INTELLIGENT DECISION SUPPORT.**

(a) IN GENERAL.—The Secretary of Defense may not proceed with the Joint Space Intelligent Decision Support (JSDIS) program unless the Secretary determines that the program is necessary and essential to the national defense of the United States.

(b) FULL AND OPEN COMPETITION.—If the Secretary determines to proceed with the Joint Space Intelligence Decision Support program in accordance with subsection (a), the Secretary may award the contract for that program only after full and open competition.

**SA 2196.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ NDIC CLOSURE.**

Notwithstanding any other provision of this Act, none of the funds authorized to be appropriated by this Act may be used for the National Drug Intelligence Center (NDIC) located in Johnstown, Pennsylvania, except those activities related to the permanent closing of the NDIC and to the relocation of activities performed at NDIC deemed necessary or essential by the Secretary of Defense, in consultation with the appropriate Federal agencies.

**SA 2197.** Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVIII, add the following:

**SEC. 2864. REPEAL OF MORATORIUM ON IMPROVEMENTS AT FORT BUCHANAN, PUERTO RICO.**

Section 1507 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398; 114 Stat. 1654A-355) is repealed.

**SA 2198.** Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

**SEC. 555. NAVY SENIOR RESERVE OFFICERS' TRAINING CORPS PROGRAM AT THE UNIVERSITY OF MIAMI, CORAL GABLES, FLORIDA.**

The Secretary of the Navy may establish and maintain a Senior Reserve Officers' Training Corps program under section 2102 of title 10, United States Code, at the University of Miami, Coral Gables, Florida.

**SA 2199.** Mr. REED (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title II, add the following:

**SEC. 256. COMPTROLLER GENERAL ASSESSMENT OF THE DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.**

(a) REVIEW.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed

Services of the Senate and the House of Representatives an assessment of the effectiveness of the Defense Experimental Program to Stimulate Competitive Research.

(b) ASSESSMENT.—The report under subsection (a) shall include the following:

(1) A description and assessment of the tangible results and progress toward the objectives of the program, including—

(A) an identification of any past program activities that led to, or were fundamental to, applications used by, or supportive of, operational users; and

(B) an assessment of whether the program has expanded the national research infrastructure.

(2) An assessment whether the activities undertaken under the program are consistent with the statute authorizing the program.

(3) An assessment whether the various elements of the program, such as structure, funding, staffing, project solicitation and selection, and administration, are working effectively and efficiently to support the effective execution of the program

(4) A description and assessment of past and ongoing activities of State planning committees under the program in supporting the achievement of the objectives of the program.

(5) An analysis of the advantages and disadvantages of having an institution-based formula for qualification to participate in the program when compared with the advantages and disadvantages of having a State-based formula for qualification to participate in supporting defense missions and the objective of expanding the Nation's defense research infrastructure.

(6) An identification of mechanisms for improving the management and implementation of the program, including modification of the statute authorizing the program, Department regulations, program structure, funding levels, funding strategy, or the activities of the State committees

(7) Any other matters the Comptroller General considers appropriate.

**SA 2200.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

**SEC. 1070. CONDUCT BY MEMBERS OF THE ARMED FORCES AND VETERANS OUT OF UNIFORM DURING HOISTING, LOWERING, OR PASSING OF FLAG.**

Section 9 of title 4, United States Code, is amended by striking “all persons present” and all that follows through the end and inserting “those present in uniform should render the military salute. Members of the Armed Forces and veterans who are present but not in uniform may render the military salute. All other persons present should face the flag and stand at attention with their right hand over the heart, or if applicable, remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Citizens of other countries should stand at attention. All such conduct toward the flag in a moving column should be rendered at the moment the flag passes.”.

**SA 2201.** Mr. INHOFE submitted an amendment intended to be proposed by

him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII, add the following:

**SEC. 1205. REPEAL OF LIMITATIONS ON MILITARY ASSISTANCE UNDER THE AMERICAN SERVICEMEMBERS' PROTECTION ACT OF 2002.**

(a) REPEAL OF LIMITATIONS.—Section 3007 of the American Servicemembers' Protection Act of 2002 (22 U.S.C. 7426) is repealed.

(b) CONFORMING AMENDMENTS.—Such Act is further amended—

(1) in section 2003 (22 U.S.C. 7422)—

(A) in subsection (a)—

(i) in the heading, by striking "SECTIONS 5 AND 7" and inserting "SECTION 2005"; and

(ii) by striking "sections 2005 and 2007" and inserting "section 2005";

(B) in subsection (b)—

(i) in the heading, by striking "SECTIONS 5 AND 7" and inserting "SECTION 2005"; and

(ii) by striking "sections 2005 and 2007" and inserting "section 2005";

(C) in subsection (c)(2)(A), by striking "sections 2005 and 2007" and inserting "section 2005";

(D) in subsection (d), by striking "sections 2005 and 2007" and inserting "section 2005"; and

(E) in subsection (e), by striking "2006, and 2007" and inserting "and 2006"; and

(2) in section 2013 (22 U.S.C. 7432), by striking paragraph (13).

**SA 2202.** Mr. SESSIONS (for himself, Mr. CHAMBLISS, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VI, add the following:

**SEC. 604. PAYMENT OF INACTIVE DUTY TRAINING TRAVEL COSTS FOR CERTAIN SELECTED RESERVE MEMBERS.**

(a) PAYMENT OF TRAVEL COSTS AUTHORIZED.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 408 the following new section:

**"§ 408a. Travel and transportation allowances: inactive duty training**

"(a) ALLOWANCE AUTHORIZED.—Under regulations prescribed by the Secretary of Defense, the Secretary concerned may reimburse a member of the Selected Reserve of the Ready Reserve described in subsection (b) for travel expenses for travel to an inactive duty training location to perform inactive duty training.

"(b) ELIGIBLE MEMBERS.—A member of the Selected Reserve of the Ready Reserve described in this subsection is a member who—

"(1) is—

"(A) qualified in a skill designated as critically short by the Secretary concerned;

"(B) assigned to a unit of the Selected Reserve with a critical manpower shortage, or is in a pay grade in the member's reserve

component with a critical manpower shortage; or

"(C) assigned to a unit or position that is disestablished or relocated as a result of defense base closure or realignment or another force structure reallocation; and

"(2) commutes a distance from the member's permanent residence to the member's inactive duty training location that is outside the normal commuting distance (as determined under regulations prescribed by the Secretary of Defense) for that commute.

"(c) MAXIMUM AMOUNT.—The maximum amount of reimbursement provided a member under subsection (a) for each round trip to a training location shall be \$300."

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 408 the following new item:

"408a. Travel and transportation allowances: inactive duty training."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2007. No reimbursement may be provided under section 408a of title 37, United States Code (as added by subsection (a)), for travel costs incurred before October 1, 2007.

**SA 2203.** Mr. GREGG (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

**SEC. 1070. SENSE OF CONGRESS ON FAMILY CARE PLANS AND THE DEPLOYMENT OF MEMBERS OF THE ARMED FORCES WHO HAVE MINOR DEPENDENTS.**

(a) IN GENERAL.—It is the sense of Congress that—

(1) single parents who are members of the Armed Forces with minor dependents, and dual-military couples with minor dependents, should develop and maintain effective family care plans that—

(A) address all reasonably foreseeable situations that would result in the absence of the single parent or dual-military couple in order to provide for the efficient transfer of responsibility for the minor dependents to an alternative caregiver; and

(B) are consistent with Department of Defense Instruction 1342.19, dated July 13, 1992, and any applicable regulations of the military department concerned; and

(2) the Secretary of Defense should establish procedures to ensure that if a single parent and both spouses in a dual-military couple are required to deploy to a covered area—

(A) requests by the single parent or dual-military couple for deferments of deployment due to unforeseen circumstances are evaluated rapidly; and

(B) appropriate steps are taken to ensure adequate care for minor dependents of the single parent or dual-military couple.

(b) DEFINITIONS.—In this section:

(1) COVERED AREA.—The term "covered area" means an area for which special pay for duty subject to hostile fire or imminent danger is authorized under section 310 of title 37, United States Code.

(2) DUAL-MILITARY COUPLE.—The term "dual-military couple" means a married couple in which both spouses are members of the Armed Forces.

**SA 2204.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert:

**SEC. ( ). COMPETITION FOR PROCUREMENT OF RIFLES.**

(a) COMPETITION REQUIRED.—Each military service shall conduct full and open competitions for the procurement of rifles based on the requirements described in (b).

(b) REQUIREMENT.—The Secretary of Defense shall certify a rifle requirement no later than December 31, 2007 that shall—

(1) be based on performance; and

(2) not require commonality with the technical specifications of current weapons.

(c) PROCUREMENTS COVERED.—This section applies to the procurement of individual weapons less than .50 caliber.

**SA 2205.** Mrs. MCCASKILL (for herself, Mr. BIDEN, Mr. KENNEDY, Mr. BOND, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

**SEC. 1044. REPORT ON SIZE AND MIX OF AIR FORCE INTERTHEATER AIRLIFT FORCE.**

(a) STUDY REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall provide for a federally funded research and development center (FFRDC) to conduct a study on various alternatives for the size and mix of assets for the Air Force intertheater airlift force, with a particular focus on current and anticipated capabilities and costs of the C-5 aircraft and C-17 aircraft fleets.

(2) SELECTION OF FFRDC.—In order to enhance the utility of the study, the Secretary shall, select to conduct the study a federally funded research and development center that is currently engaged in force mix analyses of other military mobility aircraft fleets.

(3) UTILIZATION OF OTHER STUDIES.—In conducting the study, the federally funded research and development center shall utilize the results of the recent Mobility Capabilities Studies of the Department of Defense, the on-going Intratheater Airlift Fleet Mix Analysis, and other appropriate studies and analyses. The study should also include any results reached on the modified C-5A aircraft configured as part of the Reliability Enhancement and Re-engining Program (RERP) configuration, as specified in section 132 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1411).

(b) ELEMENTS.—The study under subsection (a) shall address the following:

(1) The adequacy of the current intertheater airlift force, including whether or not the current target number of 299 airframes for the Air Force heavy lift aircraft fleet will



be sufficient to support future expeditionary combat and non-combat missions, as well as domestic and training mission requirements, in light of each of the following:

(A) Current and future military combat and support missions.

(B) The planned force structure growth of the Army and the Marine Corps.

(C) Potential changes in lift requirements arising from the deployment of the Future Combat Systems by the Army.

(D) The utilization of the heavy lift aircraft in intratheater combat missions.

(E) The availability and application of Civil Reserve Air Fleet assets in future military scenarios.

(F) The potential foreign military demand for military airlift aircraft and the value to the Air Force of a global infrastructure associated with a common aircraft fleet.

(G) Any increased air mobility requirements associated with the Global Rebasement Initiative of the Department of Defense.

(H) Potential increases in United States military support for peacekeeping and humanitarian missions around the globe.

(I) Potential changes in lift requirements based on equipment procured for Iraq and Afghanistan.

(2) The state of the current intertheater airlift fleet of the Air Force, including the following:

(A) The extent to which the increased use of heavy airlift aircraft in Operation Iraqi Freedom, Operation Enduring Freedom, and other ongoing operations is affecting the aging of the aircraft of that fleet.

(B) The extent to which the accelerated aging of such aircraft will affect the replacement schedule for such aircraft.

(3) The optimal mix of C-5 aircraft and C-17 aircraft for the intertheater airlift fleet of the Air Force, and any appropriate mix of C-5 aircraft and C-17 aircraft for intratheater airlift missions, including an assessment of the following:

(A) The cost-benefits of replacing C-5A aircraft with C-17 aircraft, including costs associated with the C-5 Reliability Enhancement and Re-engining Program (RERP) and Avionics Modernization Program (AMP).

(B) The military capability of the airframes for the C-5 aircraft and C-17 aircraft, including number of lifetime flight hours, cargo and passenger carrying capability, and mission capable rates for such airframes.

(C) The effect of replacing C-5 aircraft with C-17 aircraft on a one-for-one airframe basis, rather than upgrading the C-5 aircraft under the Reliability Enhancement and Re-engining Program and the Avionics Modernization Program, on airlift capabilities, including whether replacing C-5 aircraft with C-17 aircraft would create an equivalent one-for-one tradeoff in military capability.

(D) The tactical capabilities of strategic airlift aircraft, the potential increase in use of strategic airlift aircraft for tactical missions, and the value of such capabilities to tactical operations.

(E) The value of having more than one type of aircraft in the strategic airlift fleet, and the potential need to pursue a replacement aircraft for the C-5 aircraft that is larger than the C-17 aircraft.

(4) Strategic issues associated with closing the production line for the C-17 aircraft, particularly the risks associated with losing the industrial capacity of that production line in the light of future military requirements.

(5) The means by which the Air Force was able to restart the production line for the C-5 aircraft after having closed the line for several years, and the actions to be taken to ensure the production line for the C-17 aircraft could be restarted should a decision to close the line be made, including an analysis of the following:

(A) The costs of closing and re-opening the production line for the C-5 aircraft, and an assessment of the costs of closing and re-opening the production line for the C-17 aircraft on a similar basis.

(B) The risks inherent in permitting a production line to close when compared with the potential savings or favorable aspects of keeping a production line open.

(6) The financial effects of retiring or upgrading and maintaining the C-5A aircraft fleet on procurement decisions relating to the C-17 aircraft.

(7) The impact that increasing the role and use of strategic airlift aircraft in intratheater operations will have on the current target number for strategic airlift aircraft of 299, including an analysis of the following:

(A) The appropriateness of using C-5 aircraft and C-17 aircraft for intratheater missions, as well as the efficacy of these aircraft to perform current and projected future intratheater missions.

(B) The interplay of existing doctrinal intratheater airlift aircraft (such as the C-130 aircraft and the future Joint Cargo Aircraft (JCA)) with an increasing role for C-5 aircraft and C-17 aircraft in intratheater missions.

(C) The most appropriate and likely missions for C-5 aircraft and C-17 aircraft in intratheater operations and the potential for increased requirements in these mission areas.

(D) Any intratheater mission sets best performed by strategic airlift aircraft as opposed to traditional intratheater airlift aircraft.

(E) Any requirements for increased production or longevity of C-5 and C-17 aircraft, or for a new strategic airlift aircraft, in light of the matters analyzed under this paragraph.

(c) CONSTRUCTION.—Nothing in this section shall be construed to exclude from the study under subsection (a) consideration of airlift assets other than the C-5 aircraft or C-17 aircraft that do or may provide intratheater and intertheater airlift, including the potential that such current or future assets may reduce requirements for C-5 aircraft or C-17 aircraft.

(d) REPORT.—

(1) IN GENERAL.—Not later than February 1, 2009, the Secretary Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the study under subsection (a).

(2) FORM.—The report shall be submitted in unclassified form, but may include a classified annex.

**SA 2206.** Mr. WEBB (for himself, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mr. BROWN, Mr. CASEY, Mr. TESTER, Mr. CARDIN, Mr. WHITEHOUSE, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

**SEC. 1535. STUDY AND INVESTIGATION OF WARTIME CONTRACTS AND CONTRACTING PROCESSES IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.**

(a) COMMISSION ON WARTIME CONTRACTING.—

(1) ESTABLISHMENT.—There is hereby established a commission to be known as the “Commission on Wartime Contracting” (in this subsection referred to as the “Commission”).

(2) MEMBERSHIP.—The Commission shall be composed of 8 members, as follows:

(A) 2 members shall be appointed by the Majority Leader of the Senate, in consultation with the Chairmen of the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

(B) 2 members shall be appointed by the Speaker of the House of Representatives, in consultation with the Chairmen of the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

(C) 1 member shall be appointed by the Minority Leader of the Senate, in consultation with the Ranking Minority Members of the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

(D) 1 member shall be appointed by the Minority Leader of the House of Representatives, in consultation with the Ranking Minority Member of the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

(E) 1 member shall be appointed by the Secretary of Defense.

(F) 1 member shall be appointed by the Secretary of State.

(3) CHAIRMAN AND VICE CHAIRMAN.—

(A) CHAIRMAN.—The chairman of the Commission shall be a member of the Commission selected by the members appointed under subparagraphs (A) and (B) of paragraph (2) but only if approved by the vote of a majority of the members of the Commission.

(B) VICE CHAIRMAN.—The vice chairman of the Commission shall be a member of the Commission selected by the members appointed under subparagraphs (C) and (D) of paragraph (2) but only if approved by the vote of a majority of the members of the Commission.

(4) DUTIES.—

(A) GENERAL DUTIES.—The Commission shall study and investigate the following matters:

(i) Federal agency contracting for the reconstruction of Iraq and Afghanistan.

(ii) Federal agency contracting for the logistical support of coalition forces in Operation Iraqi Freedom and Operation Enduring Freedom.

(iii) Federal agency contracting for the performance of security and intelligence functions in Operation Iraqi Freedom and Operation Enduring Freedom.

(B) PARTICULAR DUTIES.—In carrying out the study under this paragraph, the Commission shall assess—

(i) the extent and impact of the reliance of the Federal Government on contractors to perform functions (including security, intelligence, and management functions) in Operation Iraqi Freedom and Operation Enduring Freedom;

(ii) the performance of the contracts under review, and the mechanisms used to manage the performance of the contracts under review;

(iii) the extent of waste, fraud, abuse, or mismanagement under such contracts;

(iv) the extent to which those responsible for such waste, fraud, abuse, or mismanagement have been held financially or legally accountable; and

(v) the appropriateness of the organizational structure, policies, and practices of

the Department of Defense and the Department of State for handling contingency contract management and support.

(5) REPORTS.—

(A) INTERIM REPORT.—Not later than one year after the date of the enactment of this Act, the Commission shall submit to Congress an interim report on the study carried out under paragraph (3), including the results and findings of the study as of that date.

(B) OTHER REPORTS.—The Commission may from time to time submit to Congress such other reports on the study carried out under paragraph (3) as the Commission considers appropriate.

(C) FINAL REPORT.—Not later than two years after the date of the enactment of this Act, the Commission shall submit to Congress a report on the study carried out under paragraph (3). The report shall—

(i) include the findings of the Commission;

(ii) identify lessons learned on the contracting covered by the study; and

(iii) include specific recommendations for improvements to be made in—

(I) the process for developing contract requirements for wartime contracts and contracts for contingency operations;

(II) the process for awarding contracts and task orders for wartime contracts and contracts for contingency operations;

(III) the process for managing and providing oversight for the performance of wartime contracts and contracts for contingency operations;

(IV) the process for holding contractors and their employees accountable for waste, fraud, abuse, or mismanagement under wartime contracts and contracts for contingency operations;

(V) the process for determining which functions are inherently governmental and which functions are appropriate for performance by contractors in an area of combat operations (including an area of a contingency operation), including a determination whether the use of civilian contractors to provide security in an area of combat operations is a function that is inherently governmental;

(VI) the organizational structure, policies and practices of the Department of Defense and the Department of State handling contract management and support for wartime contracts and contracts for contingency operations; and

(VII) the process by which roles and responsibilities with respect to wartime contracts and contracts for contingency operations are distributed among the various departments and agencies of the Federal Government, and interagency coordination and communication mechanisms associated with wartime contracts and contracts for contingency operations.

(6) OTHER POWERS AND AUTHORITIES.—

(A) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this subsection—

(i) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, subpoena, administer such oaths; and

(ii) require the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission or such designated subcommittee or designated member may determine advisable.

(B) ACCESS TO INFORMATION.—The Commission may secure directly from the Department of Defense and any other department or agency of the Federal Government any information or assistance that the Commission considers necessary to enable the Commission to carry out the requirements of this

subsection. Upon request of the Commission, the head of such department or agency shall furnish such information expeditiously to the Commission. Whenever information or assistance requested by the Commission is unreasonably refused or not provided, the Commission shall report the circumstances to Congress without delay.

(C) PERSONNEL.—The Commission shall have the authorities provided in section 3161 of title 5, United States Code, and shall be subject to the conditions set forth in such section, except to the extent that such conditions would be inconsistent with the requirements of this subsection.

(D) DETAILEES.—Any employee of the Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(E) SECURITY CLEARANCES.—The appropriate departments or agencies of the Federal Government shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this section without the appropriate security clearances.

(F) VIOLATIONS OF LAW.—

(i) REFERRAL TO ATTORNEY GENERAL.—The Commission may refer to the Attorney General any violation or potential violation of law identified by the Commission in carrying out its duties under this subsection.

(ii) REPORTS ON RESULTS OF REFERRAL.—The Attorney General shall submit to Congress a report on each prosecution and conviction that results from a referral made under this subparagraph.

(7) CONTINGENCY OPERATION DEFINED.—In this subsection, the term “contingency operation” has the meaning given that term in section 101 of title 10, United States Code.

(b) INVESTIGATION OF WASTE, FRAUD, ABUSE, AND MISMANAGEMENT.—

(1) IN GENERAL.—The Special Inspector General for Iraq Reconstruction shall, in cooperation with the Inspector General of the Department of Defense and Inspector General of the Department of State and in consultation with the Commission on Wartime Contracting established by subsection (a), conduct a series of audits to identify potential waste, fraud, abuse, or mismanagement in the performance of—

(A) Department of Defense contracts and subcontracts for the logistical support of coalition forces in Operation Iraqi Freedom and Operation Enduring Freedom; and

(B) Federal agency contracts and subcontracts for the performance of security and intelligence functions in Operation Iraqi Freedom and Operation Enduring Freedom.

(2) SCOPE OF AUDITS OF DOD CONTRACTS.—Each audit conducted pursuant to paragraph (1)(A) shall focus on a specific contract, task order, or site of performance under a contract or task order and shall examine, at a minimum, one or more of the following issues:

(A) The manner in which requirements were developed.

(B) The procedures under which the contract or task order was awarded.

(C) The terms and conditions of the contract or task order.

(D) The contractor's staffing and method of performance, including cost controls.

(E) The efficacy of Department of Defense management and oversight and Department of State management and oversight, including the adequacy of staffing and training of

officials responsible for such management and oversight.

(F) The flow of information from the contractor to officials responsible for contract management and oversight.

(3) SCOPE OF AUDITS OF OTHER CONTRACTS.—Each audit conducted pursuant to paragraph (1)(B) shall focus on a specific contract, task order, or site of performance under a contract or task order and shall examine, at a minimum, one or more of the following issues:

(A) The manner in which the requirements were developed and the contract or task order was awarded.

(B) The manner in which the Federal agency exercised control over the contractor's performance.

(C) The extent to which operational field commanders are able to coordinate or direct the contractor's performance in an area of combat operations.

(D) The extent to which the functions performed were appropriate for performance by a contractor.

(E) The degree to which contractor employees were properly screened, selected, trained, and equipped for the functions to be performed.

(F) The nature and extent of any incidents of misconduct or unlawful activity by contractor employees.

(G) The extent to which any incidents of misconduct or unlawful activity were reported, documented, investigated, and (where appropriate) prosecuted.

(4) CONTINUATION OF SPECIAL INSPECTOR GENERAL.—

(A) IN GENERAL.—Notwithstanding section 3001(o) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108-106; 5 U.S.C. App. 8G note), the Office of the Special Inspector General for Iraq Reconstruction shall not terminate until the completion of the audits required by this subsection.

(B) REAFFIRMATION OF CERTAIN DUTIES AND RESPONSIBILITIES.—Congress reaffirms that the Special Inspector General for Iraq Reconstruction retains the duties and responsibilities in sections 4 of the Inspector General Act of 1978 (5 U.S.C. App. 4; relating to reports of criminal violations to the Attorney General) and section 5 of the Inspector General Act of 1978 (5 U.S.C. App. 5; relating to reports to Congress) as expressly provided in subsections (f)(3) and (i)(3), respectively, of section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004.

(5) COMPLETION OF AUDITS.—The Special Inspector General shall complete any audits conducted under this subsection by not later than December 31, 2008.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be required to carry out the provisions of this Act.

**SA 2207.** Mr. FEINGOLD (for himself, Mr. CASEY, Mr. KENNEDY, Ms. MIKULSKI, and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:



**SEC. \_\_\_\_ PROGRAMS FOR USE OF LEAVE BY CAREGIVERS FOR FAMILY MEMBERS OF INDIVIDUALS PERFORMING CERTAIN MILITARY SERVICE.**

(a) **FEDERAL EMPLOYEES PROGRAM.**—

(1) **DEFINITIONS.**—In this subsection:

(A) **CAREGIVER.**—The term “caregiver” means an individual who—

- (i) is an employee;
- (ii) is at least 21 years of age; and
- (iii) is capable of self care and care of children or other dependent family members of a qualified member of the Armed Forces.

(B) **COVERED PERIOD OF SERVICE.**—The term “covered period of service” means any period of service performed by an employee as a caregiver while the individual who designated the caregiver under paragraph (3) remains a qualified member of the Armed Forces.

(C) **EMPLOYEE.**—The term “employee” has the meaning given under section 6331 of title 5, United States Code.

(D) **FAMILY MEMBER.**—The term “family member” includes—

- (i) individuals for whom the qualified member of the Armed Forces provides medical, financial, and logistical support (such as housing, food, clothing, or transportation); and
- (ii) children under the age of 19 years, elderly adults, persons with disabilities, and other persons who are unable to care for themselves in the absence of the qualified member of the Armed Forces.

(E) **QUALIFIED MEMBER OF THE ARMED FORCES.**—The term “qualified member of the Armed Forces” means—

- (i) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or

- (ii) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code.

(2) **ESTABLISHMENT OF PROGRAM.**—The Office of Personnel Management shall establish a program to authorize a caregiver to—

(A) use any sick leave of that caregiver during a covered period of service in the same manner and to the same extent as annual leave is used; and

(B) use any leave available to that caregiver under subchapter III or IV of chapter 63 of title 5, United States Code, during a covered period of service as though that covered period of service is a medical emergency.

(3) **DESIGNATION OF CAREGIVER.**—

(A) **IN GENERAL.**—A qualified member of the Armed Forces shall submit a written designation of the individual who is the caregiver for any family member of that member of the Armed Forces during a covered period of service to the employing agency and the Office of Personnel Management.

(B) **DESIGNATION OF SPOUSE.**—Notwithstanding paragraph (1)(A)(ii), an individual less than 21 years of age may be designated as a caregiver if that individual is the spouse of the qualified member of the Armed Forces making the designation.

(4) **USE OF CAREGIVER LEAVE.**—Leave may only be used under this subsection for purposes directly relating to, or resulting from, the designation of an employee as a caregiver.

(5) **REGULATIONS.**—Not later than 120 days after the date of enactment of this Act, the Office of Personnel Management shall prescribe regulations to carry out this subsection.

(6) **TERMINATION.**—The program under this subsection shall terminate on December 31, 2012.

(b) **VOLUNTARY PRIVATE SECTOR LEAVE PROGRAM.**—

(1) **DEFINITIONS.**—In this subsection:

(A) **CAREGIVER.**—The term “caregiver” means an individual who—

- (i) is an employee;
- (ii) is at least 21 years of age; and
- (iii) is capable of self care and care of children or other dependent family members of a qualified member of the Armed Forces.

(B) **COVERED PERIOD OF SERVICE.**—The term “covered period of service” means any period of service performed by an employee as a caregiver while the individual who designated the caregiver under paragraph (4) remains a qualified member of the Armed Forces.

(C) **EMPLOYEE.**—The term “employee” means an employee of a business entity participating in the program under this subsection.

(D) **FAMILY MEMBER.**—The term “family member” includes—

- (i) individuals for whom the qualified member of the Armed Forces provides medical, financial, and logistical support (such as housing, food, clothing, or transportation); and
- (ii) children under the age of 19 years, elderly adults, persons with disabilities, and other persons who are unable to care for themselves in the absence of the qualified member of the Armed Forces.

(E) **QUALIFIED MEMBER OF THE ARMED FORCES.**—The term “qualified member of the Armed Forces” means—

- (i) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or

- (ii) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code.

(2) **ESTABLISHMENT OF PROGRAM.**—

(A) **IN GENERAL.**—The Secretary of Labor shall establish a program to authorize employees of business entities described under paragraph (3) to use sick leave, or any other leave available to an employee, during a covered period of service in the same manner and to the same extent as annual leave (or its equivalent) is used.

(B) **EXCEPTION.**—Subparagraph (A) shall not apply to leave made available under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

(3) **VOLUNTARY BUSINESS PARTICIPATION.**—The Secretary of Labor shall solicit business entities to voluntarily participate in the program under this subsection.

(4) **DESIGNATION OF CAREGIVER.**—

(A) **IN GENERAL.**—A qualified member of the Armed Forces shall submit a written designation of the individual who is the caregiver for any family member of that member of the Armed Forces during a covered period of service to the employing business entity.

(B) **DESIGNATION OF SPOUSE.**—Notwithstanding paragraph (1)(A)(ii), an individual less than 21 years of age may be designated as a caregiver if that individual is the spouse of the qualified member of the Armed Forces making the designation.

(5) **USE OF CAREGIVER LEAVE.**—Leave may only be used under this subsection for purposes directly relating to, or resulting from, the designation of an employee as a caregiver.

(6) **REGULATIONS.**—Not later than 120 days after the date of enactment of this Act, the

Secretary of Labor shall prescribe regulations to carry out this subsection.

(7) **TERMINATION.**—The program under this subsection shall terminate on December 31, 2012.

(c) **GAO REPORT.**—Not later than June 30, 2010, the Government Accountability Office shall submit a report to Congress on the programs under subsections (a) and (b) that includes—

(1) an evaluation of the success of each program; and

(2) recommendations for the continuance or termination of each program.

(d) **OFFSET.**—The aggregate amount authorized to be appropriated for fiscal year 2008 for the use of the Department of Defense for research, development, test and evaluation shall be reduced by \$2,000,000.

**SA 2208.** Mr. WARNER (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

**Subtitle D—Iraq**

**SEC. 1541. FINDINGS.**

Congress makes the following findings:

(1) The United States has vital national security interests in Iraq and the Middle East region.

(2) These vital interests include the prevention of Iraq or any piece of its territory from being used as a safe haven or training ground for terrorists or as a repository or assembly point for weapons of mass destruction; the prevention of acts of violence and disorder that upset wider regional stability, undermining friendly governments, expanding refugee flows, impairing the international shipping lanes in the Persian Gulf, or destroying key oil production or transportation facilities; the prevention of Iranian domination of or aggression toward nations or areas of the Middle East, which would have potentially serious consequences for weapons proliferation, terrorism, the security of Israel, and the stability of friendly governments; and the protection of U.S. credibility in the region and throughout the world.

(3) On January 10, 2007, the President announced the “New Way forward” (hereinafter known as “the President’s strategy”), which consists of four basic elements: political, regional, economic, and military.

(4) The central component of the military element of the President’s strategy is an increased emphasis on population security with augmented Iraqi and Coalition force levels in Baghdad and elsewhere. This element required the deployment of five additional U.S. brigade combat teams, with the fifth brigade combat team having been deployed and having become operational in June 2007.

(5) It is widely recognized that there is no purely military solution to the situation in Iraq. The Iraqi leaders must, as a unified government, reach political settlements in order to achieve reconciliation, for their failure to do so greatly contributes to the violence and disorder in Iraq.

(6) The viability of the President’s strategy within Iraq depends upon: 1) military success at reducing violence and instability in Iraq to a degree that creates greater political

normalcy to conclude political compromises; 2) the willingness of Iraqi leaders to subordinate their personal, tribal, and sectarian loyalties and agendas to allow for meaningful and lasting compromises on key questions of economic and political power, such as the equitable distribution of hydrocarbon resources, the enactment of a de-baathification policy, the enactment of provincial election law, the completion of the Constitutional review process, and the settlement of the Kirkuk question; and 3) the ability of these potential compromises to achieve a sufficient level of national reconciliation to sustain a stable, unified government, security forces loyal to that government, and a cohesive society despite the continuing risk of terrorism or sectarian violence.

(7) According to the Initial Benchmark Assessment Report, issued on July 12, 2007, under the requirements of the Emergency Supplemental Appropriations Act (Public Law 110-28), enacted May 25, 2007, the Administration has scored satisfactory progress toward 8 of 18 benchmarks, but unsatisfactory or mixed progress is being marked in 10 others. Specifically, in the Security sector, while the report grades "satisfactory progress toward providing three trained and ready Iraqi brigades to support Baghdad operations, "the Iraqi Government has made unsatisfactory progress toward increasing the number of Iraqi Security Forces units capable of operating independently", and has not made satisfactory progress "in ensuring that Iraqi Security Forces are providing even-handed enforcement of the law..."

(8) The Administration's Initial Benchmark Assessment Report of July 12, 2007, indicates clearly that none of the benchmarks set forth in P.L. 110-28, nor those milestones recommended by the bipartisan Iraq Study Group in December 2006 in the areas of national reconciliation, security and governance have been reached in their entirety.

(9) Sectarian agendas, heightened by current power struggles and the memory of the oppressive rule of Saddam Hussein, have generated fear, distrust, and hatred in many parts of Iraq leading to ethnic cleansing, violence, sabotage, economic discrimination, and uncompromising political agendas that have hindered attempts to achieve political reconciliation.

(10) Many leaders of the Iraqi government and sectarian factions have not demonstrated a commitment to the concept of a pluralist government; nor have they demonstrated the ability to control many sub-factions within their sectors.

(11) The difficulty of achieving short-term political accommodation in Iraq has been complicated by absenteeism in Parliament, personal feuds among leaders, factional boycotts, and the demands of making policy by consensus in a fragmented society.

(12) Though some Iraqi military and security units have achieved a commendable, professional degree of capability and have performed courageously in combat, a measure of sectarian loyalties, agenda, and corruption still afflict the Iraqi security services.

(13) Given continuing high levels of violence in Iraq and few manifestations of political compromise among Iraq's factions, the optimal outcome in Iraq of a unified, pluralist, democratic government that is able to police itself, protect its borders, and achieve economic development is not likely to be achieved in the near future.

(14) American military and diplomatic strategy in Iraq must adjust to the reality that sectarian factionalism is not likely to abate anytime soon and probably cannot be controlled from the top.

(15) The U.S. military's capacity to interpose itself indefinitely between sectarian factions in Iraq is limited by the high tempo of deployments to Iraq during four and a half years of conflict have impacted the overall readiness of our armed forces, complicated the all-volunteer policy of recruitment, and strained the quality of life for military families.

(16) The extended Iraq deployments have potential consequences for U.S. abilities to respond to other national security threats, including challenges in Afghanistan.

(17) The safety and security of our military forces, as well as our credibility in the region require that any military withdrawal or redeployment from Iraq be carefully planned and executed.

(18) Some level of American military presence in or near Iraq would improve prospects that the United States could respond to terrorist threats, protect petroleum flows, help deter a regional war, and reassure friendly governments of America's commitment to Middle East security.

(19) Our military planners and diplomats must have as much time as possible to develop and implement the elements of any follow-on policy to the President's strategy, including securing the cooperation of the Iraqi government and key states in the region and establishing the logistics to support a residual or temporary American military presence.

(20) A poorly-planned or precipitous withdrawal from Iraq could compound the risks of a wider regional conflict stimulated by Sunni-Shia tensions, damage U.S. credibility among regional allies, expose Iraqis who have worked with the Coalition to retribution, increase the magnitude of destabilizing refugee flows, undercut economic and development projects currently underway in Iraq, and signal that the United States was abandoning efforts to prevent Iraqi territory from being used as a terrorist base.

(21) The December 2006 report issued by the Iraq Study Group advocated a comprehensive strategy that includes "new and enhanced diplomatic and political efforts in Iraq and the region, and a change in the primary mission of U.S. forces in Iraq that will enable the United States to begin to move its combat forces out of Iraq responsibly;"

(22) A new strategy should reference the recommendations of the Iraq Study Group, which consulted nearly 200 leading officials and experts, including senior members of the Government of Iraq, the United States Government, and key coalition partners and received advice from more than 50 distinguished scholars and experts from a variety of fields who conducted working groups in the areas of economy and reconstruction, military and security, political development, and the strategic environment in Iraq and the Middle East.

(23) The long term importance of Iraq and the Middle East to American economic and national security requires that our policy in Iraq be militarily sustainable and that it command the greatest degree of public and Congressional support possible.

(24) The report of the Iraq Study Group opened with a letter from the co-chairs, James A. Baker, III and Lee H. Hamilton, which states "Our political leaders must build a bipartisan approach to bring a responsible conclusion to what is now a lengthy and costly war. Our country deserves a debate that prizes substance over rhetoric, and a policy that is adequately funded and sustainable. The President and Congress must work together. Our leaders must be candid and forthright with the American people in order to win their support".

#### SEC. 1542. REPORTING AND PLANNING REQUIREMENTS.

(a) The President shall require the Director of National Intelligence to review and update, as required, the National Intelligence Estimate (NIE) titled "Prospects for Iraq's Stability: A Challenging Road Ahead", dated January 2007, not later than September 4, 2007. The updated NIE shall include an assessment specifically of the consequences of the various courses of action reducing U.S. forces in Iraq on the future of Iraq, the Middle East region, U.S. national interests, and U.S. partners and allies.

(b) The President, in close coordination with the Secretaries of Defense and State, Joint Chiefs of Staff, and other senior military leaders, shall, as a matter of prudence, consider all options and initiate planning to:

(1) transition U.S. combat forces from policing the civil strife or sectarian violence in Iraq;

(2) redeploy or reallocate those forces in a responsible manner as conditions permit;

(3) refocus U.S. military operations on maintaining the territorial integrity of Iraq, denying international terrorists a safe haven, conducting counterterrorism operations against al Qaeda in Iraq and its associates, protecting U.S. forces and facilities, and training and equipping Iraqi forces to take full responsibility for their own security; and

(4) address the findings of the Independent Assessment of the Iraqi Security Forces as provided by PL 110-28 to include decision points for the redeployment of U.S. forces from Iraq that are based upon the readiness of Iraqi Security Forces.

(c) The aforementioned plans shall be presented to Congress, in a format determined by the Administration, not later than October 16, 2007, and shall be accompanied by the results from modeling and simulation efforts by appropriate departments and agencies of the U.S. government that address the consequences of the courses of action proposed and analyzed. The results of that modeling and simulation shall be made available to Congress.

(d) We recommend that the President and the Administration design plans to be executable beginning not later than December 31, 2007.

#### SEC. 1543. AUTHORIZATION OF THE USE OF FORCE.

##### Findings:

(1) In the Emergency Supplemental Appropriations Act (Public Law 110-28), enacted May 25, 2007, the Congress enacted broad legislation, part of which originated in the Senate, and the President signed the legislation which specifically mandated that the President take the following actions:

(A) "The President shall submit an initial report, in classified and unclassified format, to the Congress, not later than July 15, 2007, assessing the status of each of the specific benchmarks established above, and declaring, in his judgment, whether satisfactory progress toward meeting these benchmarks is, or is not, being achieved".

(B) "The President, having consulted with the Secretary of State, The Secretary of Defense, The Commander, Multi-National Forces-Iraq, the United States Ambassador to Iraq, and the Commander of U.S. Central Command, will prepare the report and submit the report to Congress".

(C) "If the President's assessment of any of the specific benchmarks established above is unsatisfactory, the President shall include in that report a description of such revisions to the political, economic, regional, and military components of the strategy, as announced by the President on January 10, 2007. In addition, the President shall include

in the report, the advisability of implementing such aspects of the bipartisan Iraq Study Group, as he deems appropriate”.

(D) “The President shall submit a second report to the Congress, not later than September 15, 2007, following the same procedures and criteria, outlined above”.

(E) “Prior to the submission of the President’s second report on September 15, 2007, and at a time to be agreed upon by the leadership of the Congress and the Administration, the United States Ambassador to Iraq and the Commander, Multi-National Forces Iraq will be made available to testify in open and closed sessions before the relevant committees of the Congress”.

(F) The Department of Defense “will commission an independent, private-sector entity, which operates as a 501(c)(3), with recognized credentials and expertise in military affairs, to prepare an independent report assessing the following:

(i) The readiness of the Iraqi Security Forces (ISF) to assume responsibility for maintaining the territorial integrity of Iraq, denying international terrorists a safe haven, and bringing greater security to Iraq’s 18 provinces in the next 12-18 months, and bringing an end to sectarian violence to achieve national reconciliation;

(ii) The training, equipping, command, control and intelligence capabilities, and logistics capacity of the ISF;

(iii) The likelihood that, given the ISF’s record of preparedness to date, following years of training and equipping by U.S. forces, the continued support of U.S. troops will contribute to the readiness of the ISF to fulfill the missions outlined in subparagraph (A)”.

(iv) It is anticipated that the “Independent Report on the Iraqi Security Forces,” will, in whole or in part, be available before September 5, 2007.

(2) Two successive reports by the President, a report from the U.S. Ambassador to Iraq, a report from the Commander of Multi-national Forces—Iraq, and the Independent Assessment of the Iraqi Security Forces, thereby provide a comprehensive body of information available to the American public and to the Congress, upon which they can establish opinions and evaluate decisions on the future course of U.S. involvement in Iraq and the surrounding region.

(3) The findings that supported H.J. Res. 114, Public Law 107-243, which was enacted in 2002 and which authorized the President to use the Armed Forces of the United States against Iraq, require review and revision. Therefore, as part of his September 15, 2007, report, Congress expects that the President will submit to Congress a proposal to revise Public Law 107-243.

#### SEC. 1544. STATUS OF FORCES AGREEMENT.

The President shall direct the Secretary of State, in conjunction with the Secretary of Defense, to initiate negotiations with the Government of Iraq on a Status of Forces Agreement with a goal to complete work not later than 120 days after enactment of this Act.

#### SEC. 1545. SENSE OF CONGRESS ON DIPLOMATIC EFFORTS IN IRAQ AND THE MIDDLE EAST.

##### (a) Findings

(1) The Iraq Study Group recommended a diplomatic offensive, stating “all key issues in the Middle East – the Arab-Israeli conflict, Iraq, Iran, the need for political and economic reforms, and extremism and terrorism, are inextricably linked”. The report stressed that diplomacy aimed at solving key regional issues would “help marginalize extremists and terrorists, promote U.S. values and interests, and improve America’s global image”.

(2) Members of the Gulf Cooperation Council-Plus-Two issued a joint statement on January 16, 2007, reflecting “their collective desire to prevent Iraq from becoming a battleground for regional international powers and urged all to help end sectarian violence in Iraq”.

(3) The Bush Administration supported and participated in the March 10, 2007, regional conference in Baghdad and the follow-up regional conference held in Egypt on May 3 and 4, 2007, and that conference produced three working groups: one chaired by Syria on Border Security, a second chaired by Jordan on Refugees, and a third by Turkey on Fuels and Energy.

(4) The redeployment of U.S. troops from Iraq to other locations in the Middle East, would require the cooperation of regional governments.

(5) A revision of U.S. military policy in Iraq could increase the chances of stimulating greater economic and diplomatic assistance for Iraq from multi-lateral organizations and European allies, who have sought to limit their association with an unpopular war.

(6) Regional players, including—Saudi Arabia, Jordan, Egypt, Turkey, the Gulf States, and others have substantial concerns about Iran’s disruptive agenda in the region that converge with U.S. interests.

(7) All states in the region, including Iran and Syria have some interest in preventing political turmoil and refugee flows from emanating from Iraq or the break-up of Iraq into sectarian regions.

(8) All nations that depend on oil imports, particularly those who are dependent on Persian Gulf oil, have a strong economic and security interest in maintaining stability in the Gulf region.

(b) It is the Sense of Congress that the United States Government should work vigorously with like-minded governments, including the Iraqi government, to establish a predictable and regular multi-lateral diplomatic forum related to Iraq that meets frequently and is open to all parties in the Middle East.

(c) Such a forum could be based on the existing structure of the May 2007 foreign ministers conference at Sharm el-Sheikh in Egypt that plans to reconvene in Istanbul at a date to be determined, or it could be initiated with a new structure.

(d) U.S. goals in advancing the forum should include promoting international support for reconciliation in Iraq, dealing with refugee flows emanating from Iraq, protecting the territorial integrity of Iraq, advancing Iraqi economic development, and containing any conflict that might spread from Iraq.

(e) The United States should work with other nations at the forum to promote transparency of national interests and actions so that the risks for neighboring states of pursuing armed aggression or destructive sectarian agendas are heightened and all parties avoid miscalculations that could lead to conflict.

(f) In the context of a drawdown of American forces in Iraq, the United States should attempt to secure contributions of resources or military personnel for international efforts to stabilize Iraq’s borders.

(g) Although focused on a multi-lateral approach to issues related to Iraq, the United States should encourage opportunities to discuss other regional concerns and to facilitate bilateral contacts between those in attendance, when appropriate.

(h) As the United States attempts to establish a more sustainable policy in Iraq, our government should launch a broader diplomatic offensive in the region aimed at repairing alliances, assuring regional govern-

ments of our staying power in the Middle East, enlisting greater help international help in combating terrorism, stabilizing oil prices, and making progress in resolving the Arab-Israeli conflict.

**SA 2209.** Mr. CONRAD (for himself, Mr. HATCH, Mr. DORGAN, Mr. GREGG, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, add the following:

#### SEC. 143. SENSE OF CONGRESS ON THE REPLACEMENT OF THE TANKER AIRCRAFT FLEET.

It is the sense of Congress that timely replacement of the Air Force aerial refueling tanker fleet is a vital national security priority for the reasons as follows:

(1) The average age of the aircraft in the Air Force aerial refueling tanker fleet is now more than 43 years, with the age of the aircraft in the KC-135 tanker fleet averaging 46 years.

(2) The development and fielding of a replacement tanker aircraft will allow the United States military to continue to project combat capability anywhere in the world on short notice without relying on intermediate bases for refueling.

(3) Under current plans, it will take more than 30 years to replace the current fleet of KC-135 tanker aircraft, meaning that some KC-135 tanker aircraft are scheduled to remain operational until they are nearly 80 years old.

#### PRIVILEGES OF THE FLOOR

Mr. LEVIN. Mr. President, I ask unanimous consent that Mark Sullivan and Asmita on Senator HARKIN’s staff be granted floor privileges during today’s debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### NATIONAL SUMMER LEARNING DAY

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 268, and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 268) designating July 12, 2007, as “National Summer Learning Day.”

There being no objection, the Senate proceeded to consider the resolution.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, en bloc, and that any statements relating to the resolution be printed in the RECORD.